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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dayton, Ohio

Docket No. 8818.00

Application of

AUG 12 2004

Joseph Cosentino

Serial No. 09/774,992

Group Art Unit: 2114

Filed: January 31, 2001

Examiner: Joshua A. Lohn

For: **FINANCIAL DOCUMENT PROCESSING SYSTEM AND METHOD OF
OPERATING A FINANCIAL DOCUMENT PROCESSING SYSTEM**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 on AUG 12 2004 (Date of Deposit).


Shirley Doll

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2100

REQUEST FOR REINSTATEMENT OF APPEAL

Sir:

Applicant requests reinstatement of the Appeal Brief filed on April 27, 2004 in the above-identified patent application.

Enclosed herewith is a Supplemental Appeal Brief which responds to the Office Action dated May 27, 2004, and is a supplement to the Original Appeal Brief filed in this case on April 27, 2004.

Respectfully submitted,



Michael Chan
Attorney for Applicant (Appellant)
Reg. No. 33,663

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SUPPLEMENTAL APPEAL BRIEF

Sir:

This Supplemental Appeal Brief responds to the Office Action dated **May 27, 2004**, and is a supplement to the Original Appeal Brief filed in this case on **April 27, 2004**.

Three copies of the Supplemental Appeal Brief are filed herewith. Authorization is given to charge deposit account number 14-0225 for any fee which may be due for filing the Supplemental Appeal Brief.

(1) REAL PARTY IN INTEREST

[No change from the Original Appeal Brief.]

(2) RELATED APPEALS AND INTERFERENCES

[No change from the Original Appeal Brief.]

(3) STATUS OF ALL CLAIMS

[No change from the Original Appeal Brief.]

(4) STATUS OF ALL AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION

[No change from the Original Appeal Brief.]

(5) CONCISE SUMMARY OF THE INVENTION

[No change from the Original Appeal Brief.]

(6) CONCISE STATEMENT OF ALL ISSUES PRESENTED FOR REVIEW

[The following text replaces the text in the Original Appeal Brief.]

An issue presented for review is whether each of claims 1-21 is patentable over Garg et al., whether taken singularly or in combination.

(7) GROUPING OF CLAIMS FOR EACH GROUND OF REJECTION WHICH APPLICANT CONTEST

[No change from the Original Appeal Brief.]

(8) THE REJECTION

[The following text replaces the text in the Original Appeal Brief.]

Claims 1-5, 8-12, and 15-19 are rejected under 35 U.S.C. §102(e) as being unpatentable over Garg et al.

Claims 6, 7, 13, 14, 20, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Garg et al. in further view of Bliley et al.

(9) APPLICANT'S POSITION

[The following text replaces the text in the Original Appeal Brief.]

Applicant believes that each of claims 1-21 of the present application is patentable over the prior art including the prior art references of record. Applicant would like to respectfully point out that the rejection of claims 1-21 is incorrect for the reasons explained hereinbelow.

First, with reference to Garg et al., Applicant notes from the Office Action that the Examiner specifically states “Garg discloses retrieving a fault finding test script file that contains a number of tests that can be performed on the system. This is disclosed in the cognitive signature module of Garg. This module stores one or more cognitive signatures (col.6, lines 5-6). These cognitive signatures are individual tests that are used to test that the system is not in a state requiring the generation of alarm, and the module storing the tests acts as a test script file that contains a number of tests (col. 6, lines 5-16).”

However, Applicant would like to respectfully point out that the cognitive signatures disclosed in Garg et al. are not fault finding test script files which contain tests which can be performed on the system as suggested by the Examiner. The cognitive signatures in Garg et al. are simply historical data (see column 6, lines 6-11 and lines 58-64 in the specification of Garg et al.).

Second, each of claims 1-7 recites, inter alia, “(e) updating the retrieved fault finding test script file of step (c) based upon test results from tests which have been performed on the system in step (d)”, each of claims 8-14 recites, inter alia, “means for updating the retrieved fault finding test script file based upon test results from tests which have been performed on the system”, and each of claims 15-21 recites, inter alia, “(e) updating the retrieved fault finding test script file of step (c) based upon test results from tests

which have been performed on the system in step (d)". None of the prior art including Garg et al. discloses or suggests that a fault finding test script file is being updated based upon test results from tests which have been performed. While the cognitive signatures (i.e., the historical data) in Garg et al. may be updated, there is no disclosure or suggestion of a fault finding test script file being updated. Accordingly, the rejection of claims 1-21 by applying Garg et al. is improper and, therefore, should be withdrawn.

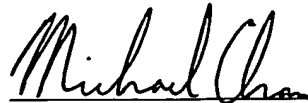
Applicant has respectfully requested that the Examiner explain how "a test script file" and "data" could mean the same thing when the two terms are clearly different in meaning. However, the Examiner has not provided any explanations. Accordingly, it is respectfully submitted the rejection of claims 1-21 of the present application is improper and, therefore, should be withdrawn.

(10) CONCLUSION

[The following text replaces the text in the Original Appeal Brief.]

In view of the forgoing reasons, it is clear that the rejection of claims 1-21 under either 35 U.S.C. Section 102(e) or 35 U.S.C. Section 103(a) is improper and, therefore, should be withdrawn. It is respectfully requested that the Board reverse the rejection of claims 1-21.

Respectfully submitted,



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(11) APPENDIX

[No change from the Original Appeal Brief.]